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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,672	10/07/2003	Robert K. Weir	5055	7699
7590	03/15/2005			
John E. Reilly 1554 Emerson Street Denver, CO 80218				
EXAMINER CINTINS, IVARS C				
ART UNIT 1724				
PAPER NUMBER				

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/681,672

**Applicant(s)**

WEIR ET AL.

**Examiner**

Ivars C. Cintins

**Art Unit**

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-21 and 23-27 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/7/2003</u> .   | 6) <input type="checkbox"/> Other: ____                                     |

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In view of the papers filed July 16, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Steve E. Esmond and Larry Quinn as inventors.

This application fails to contain a claim numbered "24." Accordingly, claims 25-28 have been renumbered as claims 24-27, respectively, in accordance with 37 CFR § 1.126.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-21 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. (U.S. Patent Application Publication No. 2004/0226869; hereinafter "McClure") in view of Nagaoka (U.S. Patent No. 5,476,588). McClure discloses a system for separating oil and debris from water run-off, which system includes a downwardly inclined screen (21), a basin (17) including a debris collecting means (27), and a buoyant organic absorber (23) disposed behind the screen (see paragraph 0062, lines 14-16). This primary reference system further includes an acceleration plate (10s), and an upper removable cover (12L). Accordingly, this primary reference discloses the claimed invention with the exception of the recited wedge wire screen, its hinge (claims 6, 15 and 26), the sloped bottom panel (claims 8, and 17), and the use of a suction device to remove debris from the system (claim 27). Nagaoka teaches that wedge wire screens are recognized as being superior to conventional screens

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because they have little likelihood of clogging (see col. 1, lines 10-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the wedge wire screen of Nagaoka for the screen of the primary reference, in order to obtain the advantages disclosed by this secondary reference (i.e. resistance to clogging) for the system of the primary reference. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a hinge for the screen of the thus modified primary reference, in order to facilitate its movement. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to slope the bottom of the separation chamber of the modified primary reference, in order to urge any settled solids contained therein (note debris 16 in section 28B) to move in a desired direction. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the modified primary reference with a conventional suction device (e.g. vacuum cleaner), in order to facilitate the removal of debris from this modified primary reference system.

Claims 4, 5 and 22 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims because the references of record do not teach or fairly suggest an apparatus of the type recited with vertically spaced discharge orifices in combination with overhanging baffles.


Morris et al. (U.S. Patent No. 6,106,707) discloses a similar water purification system for storm drains. Black (U.S. Patent No. 4,130,489) discloses a similar water purification system containing buoyant oil absorbent material (see col. 2, lines 1-2).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ivars C. Cintins  
Primary Examiner  
Art Unit 1724

I. Cintins  
March 12, 2005